



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 1999

Mr. John C. Givens, Treasurer
Colorado Republican Federal
Campaign Committee
1275 Tremont Place
Denver, CO 80204

RE: MUR 4907
Colorado Republican Federal Campaign Committee
and John C. Givens, as treasurer

Dear Mr. Givens:

On June 25, 1999, the Federal Election Commission found that there is reason to believe the Colorado Republican Federal Campaign Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing probable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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99-04-394-0170

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Mark Shonkwiler, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Colorado Republican Federal Campaign Committee MUR: 4907
and John C. Givens, as treasurer

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This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). The Federal Election Campaign Act of 1971, as amended ("the Act") requires treasurers of political committees, other than authorized committees of a candidate, to file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Such committees may choose to file reports either on a monthly or a quarterly basis. 2 U.S.C. § 434(a)(4).

All political committees other than authorized committees of a candidate shall file a post-general election report, which shall be filed no later than the 30th day after the general election and shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii).

The Colorado Republican Federal Campaign Committee and John C. Givens, as treasurer, is a political committee not authorized by any candidate. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), the Committee was responsible for filing a post-general election report of receipts and disbursements, covering the period from October 1, 1998 to November 23, 1998, no later than the 30th day after the general election. Prior notices were sent to the Committee informing them that its 1998 30 Day Post-General Report was due on December 3, 1998, but the Committee failed to send the report on its due date. When the report was not received by the

Commission, a non-filer notice was sent instructing them to file the report immediately.

Although the notice stated that the Commission might initiate an audit or legal enforcement action, it further stated that it would take into consideration a letter of explanation and their prompt response. On April 7, 1999, the Committee filed its 30 Day Post-General Report, 125 days late, disclosing receipts totaling \$239,823 and disbursements totaling \$241,336, along with a letter stating that the delay in filing was due to "unsettled conditions" relating to internal dissension within the state party; as well as "staff reductions, illness, and bad judgment." See Committee letter of March 29, 1999 received by the Commission on April 7, 1999. The Committee also requested that "the fines and penalties which may be appropriate be waived."

Id.

None of the circumstances cited by the Committee have any effect on the obligation to file reports with the Commission in a timely fashion. See A.O. 1995-10. (Committees' obligation to file reports not affected by change in personnel and difficulty in gaining access to records). Therefore, there is reason to believe that the Colorado Republican Federal Campaign Committee and John C. Givens, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii).

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